IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16814 of 2004

Between:

M. Jaya W/o. Late Veeresham,
R/o. Raghunathpally village and Mandal, Warangal District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Janagaon, Warangal District.
2 The Joint Collector, Warangal District at Warangal.
3 The Mandal Revenue Officer, Raghunathpally Mandal,
Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ order or direction more particularly a Writ in the nature of Writ of Mandamus declaring the proceedings Rc.No. B/1233/2004 dt. 23.7.2004 passed by the Revenue Divisional Officer, Janagaon, Warangal District as illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR.A.RAVI SHANKAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16814 OF 2004

ORDER:

The petitioner is the authorized dealer in respect of the fair price shop at Raghunathpally village. Her authorization was suspended by the Revenue Divisional Officer, Janagaon by proceedings dated 23.7.2004 pending enquiry into the alleged irregularities in distribution of essential commodities, which order is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents. The learned counsel for the petitioner contends that the allegations against the petitioner are false and baseless and at any rate the allegations are trivial in nature and the Revenue Divisional Officer is not justified in suspending the authorization pending enquiry.

Admittedly against the impugned order an alternative remedy is available by way of appeal to the Joint Collector and the petitioner has already availed the said remedy. The petitioner states that the appeal along with application for stay are pending before the Second respondent-Joint Collector, Warangal. Since the statutory appeal

is pending before the second respondent, I am not inclined to express any opinion with regard to the correctness of the allegations made against the petitioner. However, in view of the fact that the second respondent failed to consider her appeal and so far no orders have been passed even on her application for stay, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to dispose of the appeal pending on his file against the order of the first respondent dated 23.7.2004 and to pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of this order.

The learned counsel for the petitioner states that for the month of July, 2004, the petitioner has already paid the necessary amount by way of demand drafts for supply of essential commodities and the respondents have failed to refund the said amount. If that be so, it is open to the petitioner to make a representation before the appellate authority seeking refund of said amount, in which event the second respondent shall consider and pass appropriate orders while disposing of the appeal.

The writ petition is accordingly disposed of. No costs.

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(G.ROHINI,J)

Date: 21.9.2004.

Mdaa.

Copy to:

1 The Revenue Divisional Officer, Janagaon, Warangal District.
2 The Joint Collector, Warangal District at Warangal.
3 The Mandal Revenue Officer, Raghunathpally Mandal,
Warangal District.

4. Two C.Cs., to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)

5. Two C.D.copies.